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10/027,829	10/19/2001	Brian N. Tufte		2577

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EXAMINER

BORISSOV, IGOR N

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,829

Applicant(s)

TUFTE, BRIAN N.

Examiner

Igor Borissov

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 and 32-36 is/are pending in the application.
- 4a) Of the above claim(s) 33-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30, 32 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Amendment received on 9/14/2006 is acknowledged and entered. Claim 31 has been canceled. Claims 1, 8-10, 15-17, 18-21, 24, 25, 30 and 32 have been amended. New claims 33-36 have been added. Claims 1-30 and 32-36 are currently pending in the application.

Election/Restrictions

Newly submitted Claims 33-36 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

- A. Claims 1-30 and 32 drawn to a method and system for delivering a delivery lot to people in need and tracking the delivery over the Internet, classified in class 705, subclass 1.
- B. Claims 33-36 drawn to a method for allocating financial resources to various resource requests, classified in class 705, subclass 8.

Inventions A and B are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention B has utility separate from that of inventions A such as assigning funds for a particular project. See MPEP § 806.05(d). Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, or patentability requirements, restriction for examination purposes as indicated is proper.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, Claims 33-36 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 20, 24, 25, 30 and 32. The claims are confusing, because the preamble of the claims indicates that the invention is directed to "*increasing the participation of contributor*", however, the body of the claims is silent regarding said "*increasing the participation of contributor*"; and, therefore, fails to meet the stated purpose.

Furthermore, a preamble of claims 1, 20, 24, 25 and 30 indicates delivering services as donations to an organization, while the body of the claims recite the steps of "assigning the donation to a delivery lot; and delivering the delivery lot to one or more people in need", which is confusing. It is not clear how services can be delivered via a delivery lot.

Claim 10 recites: "A method according claim 1 wherein the delivery lot includes *cash*", which is confusing. It is not clear to what extend cash represent goods and/or services.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over

**Smith et al. (US 2002/0095306) in view of American Red Cross - Annual Report:
Survival on the Far Side of the World (hereinafter Red Cross).**

Independent Claim

Claim 32. Smith et al. (Smith) teaches a method for tracking of the delivery of items, including:

obtaining the location of the delivery lot of goods (a physical object of all type); at one or more points in time; providing the location information of the delivery lot to the contributor (sender) [0009]; [0018]; [0019]; [0050]:

While said method can be utilized for various type of shipment, Robbins does not specifically teach that said method is utilized for delivering goods for people in need (donations).

Red Cross, which appears to be published on 9/25/2000, discloses reporting to public (contributors) regarding a delivery of packages of food and household essentials to Azerbaijan and Armenian families in need, said delivery is conducted by trucks as they are moving from village to village (Page 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Smith to include that said method for tracking of the delivery of items is utilized for delivering goods for people in need (donations), as disclosed in Red Cross, because it would advantageously simplify the access of the contributors to the status of the shipment, thereby providing a convenience for the contributors.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Episcopal Relief and Development; Projects for Hope in view of Smith et al.

Independent Claims

Claims 1, 20 and 24.

Episcopal Relief and Development; Projects for Hope (Project for Hope) (10/17/2000) appears to teach a Web site wherein a plurality of contributors can make a donation including goods or services to individuals or organizations (Pages 1-4; See examiner's numeration on the top of each page). Specifically, Project for Hope presents a list of delivery lots (projects), each delivery lot (project) includes description of goods or services needed, funds necessary for each delivery lot (project) and destination of each delivery lot (project) (Pages 1-4). Furthermore, Project for Hope provides means for receiving donations from contributors, and means for assigning the donation to the selected by the contributor delivery lot (project) (Pages 7 and 9).

However, Project for Hope does not specifically teach *delivering said delivery lot of goods*. Also, while Project for Hope indicates a "COMPLETED" status of a project (Page 2) thereby indicating a *reporting* step, Project for Hope does not explicitly teach that said *reporting* step includes *obtaining the location of said delivery lot at one or more points in time during the delivery of said delivery lot; and providing the location of the delivery lot to the contributor at one or more points in time*.

Smith teaches a method for tracking of the delivery of items, including:

obtaining the location of the delivery lot of goods (a physical object of all type); at one or more points in time; providing the location information of the delivery lot to the contributor (sender) [0009]; [0018]; [0019]; [0050].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Projects for Hope to include *delivering said delivery lot; and that said reporting step includes obtaining the location of said delivery lot at one or more points in time during the delivery of said delivery lot; and providing the location of the delivery lot to the contributor at one or more points in time*, as disclosed in Smith,

because it would advantageously provide the user with delivery status information at the convenience of the user's home without having the user to inquire for said information elsewhere, as specifically stated in Smith.

Claim 25.

Project for Hope appears to teach a Web site wherein a plurality of contributors can make a donation including goods and/or services to individuals or organizations (Pages 1-4). Specifically, Project for Hope presents a list of delivery lots (projects), each delivery lot (project) includes description of goods of services needed, funds necessary for each delivery lot (project) and destination of each delivery lot (project) (Pages 1-4), and discloses means for assigning selected donations to a common delivery lot (project) for delivery to an ultimate destination (Pages 7 and 9).

However, while Project for Hope indicates a "COMPLETED" status of a project (Page 2) thereby indicating a *reporting* step, Project for Hope does not explicitly teach that said *reporting* step includes *reporting information relating to the delivery of said delivery lot to contributors*.

Smith teaches a method for tracking delivery items, including:
providing the location information of the delivery lot to the contributor (sender) [0009]; [0018]; [0019].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Projects for Hope to include that said *reporting* step includes *reporting information relating to the delivery of said delivery lot to contributors*, as disclosed in Smith, because it would advantageously provide the user with delivery status information at the convenience of the user's home without having the user to inquire for said information elsewhere, as specifically stated in Smith.

Dependent Claims

Furthermore, Project for Hope teaches:

Claims 2. Providing a Web site wherein a plurality of contributors can make a donation (Page 9), thereby indicating the step of receiving information related to the donation via the Internet.

Claim 3. Receiving a contributor's name (Page 7).

Claim 4. Receiving a contributor's payment information (Page 9).

Claim 5. Receiving information related to the donation via the Internet wherein the information includes a donation preference (type of project) (Page 9).

Claim 6. Receiving information regarding donations via the phone (Page 6).

Claim 7: Said method as in Claim 1 wherein the receiving step includes receiving information via email (Page 7).

Claim 8. Said method for delivering donations wherein said donations include food (Page 2, project PH0010 in South India).

Claim 9. Said method for delivering donations wherein said donations include medicine (Page 1, project PH0004 for Sudanese Refugees living in Egypt).

Claim 10. Providing a Web site wherein a plurality of contributors can make a donation and wherein said donation includes cash (Page 1).

Claim 11. Smith teaches providing said information regarding the location of the delivery lot in response to a request from the contributor [0018]; [0019]. The motivation to combine the references would be to advantageously provide the user with delivery status information at the convenience of the user's home without having the user to inquire for said information elsewhere.

Claim 12. Project for Hope teaches providing said Web site wherein a plurality of contributors can make a donation (Page 1).

Claim 13. Smith teaches said method wherein the location of the delivery lot is automatically (upon accessing said Web site) provided to the contributor [0018]; [0019]; [0050]. The motivation to combine the references would be to advantageously provide the user with delivery status information at the convenience of the user's home without having the user to inquire for said information elsewhere.

Furthermore, Project for Hope teaches:

Claim 14. Communicating with a contributor over the e-mail (Page 7).

Claim 15. Said method wherein the delivery lot includes one type of goods or services (food) (Page 2, project PH0010 in South India).

Claim 16. Said method wherein the delivery lot includes two types of goods or services (food and medical supplies) (Page 2, project PH0007 for Argentina).

Claim 17. Said method wherein each donation is assigned to a unique delivery lot (project) (Pages 1-4).

Claim 18. Said method wherein two or more donations are assigned to a common delivery lot (Page 7 teaches that minimum accepted donation is \$20.00, while the least expensive delivery lot (project) listed is \$165.00 (PH0014 in North India, Page 2), thereby indicating a necessity to assign two or more donations to said delivery lot).

Claim 19. Smith teaches obtaining the location information of each delivery lot at one or more points in time each corresponding to different location [0018]; [0019]. The motivation to combine the references would be to advantageously provide the user with delivery status information at the convenience of the user's home without having the user to inquire for said information elsewhere.

Claim 21. Smith teaches that each shipment is assigned a unique ID, and each contributor provides or selects the unique ID (invoice or transaction code) to receive the location information of the corresponding delivery lot [0042]. The motivation to combine the references would be to provide a secure access to the shipment information, thereby preventing fraudulent activity.

Claims 22-23 and 28. See reasoning applied to claim 20.

Claims 26. Project for Hope teaches that individuals can make a donation (First and Last name of the individual; Page 7).

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Projects for Hope in view of Smith et al. and further in view of 1999 National Honorees; Complete List of Make a Difference Day Awards (Honorees).

Dependent Claim

Art Unit: 3628

Claim 27. Projects for Hope in view of Smith teaches all the limitations of Claim 27, except specifically teaching that said contributors include organization with organization members.

Honories, the Internet print out of www.usaweekend.com, appears to display a list of awards for charitable contributions made during the 8th annual Make A Difference Day organized on October 24, 1998 wherein the list includes an award to Wal-Mart for \$2,000 donation made by the company (Page 2, 3rd paragraph).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Projects for Hope in view of Smith to include that said contributors include organization with organization members, as disclosed in Honories, because it would advantageously allow to bring more funds to charity and organize employees of said organizations for making donations.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Projects for Hope in view of Smith et al. and further in view of O'Donnell et al. (US 2002/0013739).

Dependent Claim

Claim 29. Projects for Hope in view of Smith teaches all the limitations of Claim 29, except providing a chat room.

O'Donnell et al. (O'Donnell) teaches a method for shipping services in a network environment, and further including facilitating the making of anonymous donations, as well as facilitating chat rooms [0002]; [0146].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Projects for Hope in view of Smith to include providing chat rooms, as disclosed in O'Donnell, because it would advantageously promote said donations by allowing involved contributors to communicate in real time.

Claims 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Projects for Hope in view of Smith et al. and further in view of Burke (US 6,876,971).

Independent Claim

Claim 30.

Project for Hope appears to teach a Web site wherein a plurality of contributors can make a donation including goods and/or services to individuals or organizations (Pages 1-4). Specifically, Project for Hope presents (displays) a list of delivery lots (projects) that need to be funded, each delivery lot (project) includes description of goods of services needed, funds necessary for each delivery lot (project), destination of each delivery lot (project) (Pages 1-4), and discloses means for accepting a selection of one or more of the available delivery lots (projects) by the contributor, and donation thereto (Pages 7 and 9).

However, while Project for Hope indicates a "COMPLETED" status of a project (Page 2) thereby indicating completion of funding of said project, Project for Hope does not explicitly teach that said *completion of funding of said project* includes *sending a funded delivery lot once the delivery lot is fully funded*.

Smith teaches a method for tracking delivery items, including:

sending a delivery lot; and providing the location information of the delivery lot (shipment) to the contributor (shipper) at one or more points in time [0009]; [0018]; [0019]; [0050].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Projects for Hope to include *sending a delivery lot*, as disclosed in Smith, because it would advantageously allow to develop and realize capabilities of people to help each other throughout the world.

Burke teaches a method for facilitating the making of donations, wherein contributors are provided with opportunity to make donations at cash registers via electronic transfer (C. 2, L. 63-65), and wherein said electronic transfer of all contributions allocated to each charity is conducted after said contributions are

Art Unit: 3628

accumulated until a sufficient amount is achieved to be acceptable by the recipient (C. 11, L. 17-25), thereby indicating "*fully funded*" feature.

It would have been obvious to one having ordinary skill in art the time the invention was made to modify Projects for Hope and Smith to include that said sent delivery lot (shipment) is *fully funded*, as disclosed in Burke, because it would advantageously assure donors that the contribution takes effect (Burke; C. 11, L. 21-22).

Response to Arguments

Applicant's arguments with respect to claims 1-30 and 31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IB

11/21/2006



IGOR N. BORISSOV
PRIMARY EXAMINER